

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

VICTORIA GREEN,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.

Defendants.

1:23-cv-00973-JLT-EPG (PC)

ORDER GRANTING *SUA SPONTE*  
EXTENSION TO COMPLY WITH COURT  
ORDERS

(ECF Nos. 1, 5).

This civil rights action under 42 U.S.C. § 1983 was commenced by six state prisoners. (ECF Nos. 1, 2). However, on June 29, 2023, United States Magistrate Judge Gary S. Austin issued an order, concluding that the Plaintiffs could not proceed together in a single action and ordering (1) the Clerk to open a new case so that each Plaintiff could proceed individually; (2) the Clerk to randomly assign each new case to a Magistrate Judge; (3) the Clerk to file each Plaintiff's *in forma pauperis* (IFP) application in the appropriate case; and (4) for each Plaintiff to file a new amended complaint or notice of voluntary dismissal within forty-five days. (ECF No. 1).

This order led to the undersigned being assigned to the instant case of Plaintiff Victoria Green. While the Clerk filed an IFP application in the record (ECF No. 3), that IFP application is a different Plaintiff, Charlene Stith, who now proceeds individually in a separate case, 1:23-cv-00947-ADA-GSA. Moreover, it does not appear that Victoria Green ever filed an IFP application in the original case; rather, it appears that Charlene Stith mistakenly filed two IFP applications. (ECF Nos. 4, 8 - 1:23-cv-00947-ADA-GSA).

Based on these circumstances, the Court issued an order on June 30, 2023, ordering Plaintiff to submit an IFP application or pay the filing fee within 45 days. (ECF No. 5). However, Plaintiff has failed to do so. Moreover, Plaintiff has filed no amended complaint or notice of voluntary dismissal as ordered by United States Magistrate Judge Gary S. Austin. (ECF No. 1)

Accordingly, IT IS ORDERED as follows:

1. The Court will grant a single *sua sponte* extension for Plaintiff to comply with the Court orders. By no later than August 28, 2023, Plaintiff shall submit an IFP application, completed and signed in full, and including the trust account certification for the past six months, or, alternatively, Plaintiff may pay the \$402.00 filing fee for this action.
2. Likewise, by no later than August 28, 2023, Plaintiff shall file an amended complaint.
3. **No requests for extension will be granted without a showing of good cause. Failure to comply with this order will result in dismissal of this action.**

IT IS SO ORDERED.

Dated: August 18, 2023

/s/ Eric P. Gray  
UNITED STATES MAGISTRATE JUDGE